

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. 6:18-CR-60-002
	§	
YANEY GURRUSQUIETA	§	

**ELEMENTS OF THE OFFENSE**

**Count 1**

VIOLATION:	18 U.S.C. § 4 (Misprision of felony)
PENALTY:	A fine of not more than \$250,000; imprisonment for not more than three (3) years; or both. A term of supervised release of not more than one (1) year.
MANDATORY ASSESSMENT:	\$100.00.

The Defendant is charged in Count 1 of the Information with misprision of felony,  
in violation of 18 U.S.C. § 4.

The essential elements which must be proven to establish a violation of this  
offense are:

**First:** That a federal felony was committed, that is, conspiracy to possess with  
intent to distribute and distribute cocaine, in violation of 21 U.S.C. § 846, as charged in  
Count 1 of the Information;

**Second:** That the Defendant had knowledge of the commission of the felony;

**Third:** That the Defendant failed to notify an authority as soon as possible; and

**Fourth:** That the Defendant did an affirmative act, as charged, to conceal the crime.<sup>1</sup>

Respectfully submitted,

JOSEPH D. BROWN  
UNITED STATES ATTORNEY

/s/ Alan R. Jackson

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**CERTIFICATE OF SERVICE**

On March 5, 2019, I, Alan R. Jackson, Assistant U. S. Attorney for the Eastern District of Texas, do hereby certify that a true and correct copy of the foregoing instrument has been served on the following according to the Federal Rules of Criminal Procedure and the rules of this Court: J. Brett Harrison, attorney for the Defendant.

/s/ Alan R. Jackson

ALAN R. JACKSON

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<sup>1</sup>Fifth Circuit Pattern Jury Instructions (Criminal), § 2.06 (2015).